

CRYSTAL PLANNING COMMISSION MINUTES

Monday, April 8, 2013 at 7:00 p.m.

Council Chambers, Crystal City Hall

A. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at 7:00 p.m. with the following members present:

X Commissioner (Ward 1) Sears [Vice Chair]	X Commissioner (Ward 2) Kolb	X Commissioner (Ward 4) Richter
X Commissioner (Ward 1) Heigel	X Commissioner (Ward 3) VonRueden [Chair]	X Commissioner (Ward 4) Johnson
X Commissioner (Ward 2) Erickson	X Commissioner (Ward 3) Buck [Secretary]	X Commissioner (At- Large) Strand

Also present was Council Liaison Casey Peak and staff members John Sutter and Corinne Elfelt.

B. SWEARING-IN CEREMONY FOR ALL MEMBERS

Chair VonRueden swore in all commission members. Vice Chair Sears swore in Chair VonRueden.

C. APPROVAL OF MINUTES

Moved by Commissioner Sears and seconded by Commissioner Heigel to approve the minutes of the February 11, 2013 regular meeting with no exceptions.

Motion carried unanimously.

D. PUBLIC HEARINGS

1. Consider Application 2013-03: Zoning Ordinance text amendment for larger businesses and outdoor sales and service in the C-1 Neighborhood Commercial District

Staff member John Sutter presented the staff report.

Mr. Sutter answered questions from the commission:

he explained the businesses listed under Conditional uses h). were from the C-2 zoning code;

Gross Floor Area is the footprint of the building; C-1 zoning is for businesses that are embedded in residential areas; therefore limited uses are permitted; Commission may want to eliminate the maximum square footage limitations.

Chair VonRueden opened the Public Hearing. There being no testimony, Chair VonRueden closed the Public Hearing.

Planning Commission discussion:

Commissioner Heigel proposed the zoning change be tabled for further discussion.

Commissioner Kolb stated he would be in favor of eliminating the square footage and percent repair limitations, and accept the other changes as proposed.

Commissioner Richter stated he would be in favor of getting rid of the maximum square footage and asked if the footprint stays the same is there still a review of the business.

Planner Sutter explained if the business was a permitted use no review would be required. Should they request extending the hours beyond those allowed in the zoning code or if new construction is being proposed, Planning Commission review would be required.

Mr. Sutter clarified for Commissioner VonRueden food wagons would be allowed as a conditional use.

Moved by Commissioner Kolb and seconded by Commissioner Heigel to recommend approval of a Zoning Ordinance text amendment for larger businesses and outdoor sales and service in the C-1 Neighborhood Commercial District eliminating the square footage and percent and repair limitations accept all other staff proposed changes to the zoning code.

Motion carried unanimously.

2. Consider Application 2013-04: Conditional Use Permit for outdoor food and beverage service at 3545 Douglas Drive North (Milton's)

Staff member John Sutter presented the staff report.

Mr. Sutter answered questions from the commission about the soft separation being on a trial basis and explained the Police Department's hesitation with soft separation and they requested, at minimum, the issue be able to be brought back to the council for review should problems arise. Also questioned was whether Milton's Café could extend further into the sidewalk area than they are proposing. Mr. Sutter explained that, due to the slope, they would not be able to move the seating portion of the outside area off the concrete, however, the separation materials may be able to extend into the black top area.

Chair VonRueden opened the Public Hearing.

Phil Weber, owner/operator of Milton's Café, stated he has no desire to extend the seating onto the black top area of the sidewalk.

Hearing no further discussion, Chair VonRueden closed the Public Hearing.

Planning Commission discussion:

Commissioner Johnson asked if other restaurants that have exterior seating in Crystal had soft barriers. Mr. Sutter stated Buffalo Wild Wings and El Loro always had hard separation largely due their having full liquor licenses and being larger businesses than Milton's Café.

Moved by Commissioner Strand and seconded by Commissioner Buck to recommend approval of a Conditional Use Permit for outdoor food and beverage service at 3545 Douglas Drive North (Milton's) including the recommended Findings and Conditions included in the staff report.

Motion carried unanimously.

3. Consider Application 2013-05: Conditional Use Permit for an events center including on-sale liquor and outdoor food and beverage service at 4947 West Broadway (Eventure)

Staff member John Sutter presented the staff report.

Mr. Sutter clarified for the commissioners Eventure's plan is to lease the entire building but church services would still be permitted. However, limitations are put in place to restrict the hours of operation so the property is not in use 24/7. Mr. Sutter explained the Police Departments concern about noise complaints generated by similar events at the Community Center.

Mr. Sutter addressed Commissioner Kolb's question of why a conditional use permit is required by stating that all large gathering establishments require a conditional use permit so issues such as additional traffic, on-sale liquor, and outdoor seating issues can be addressed.

Commissioner Johnson asked if there was any public comment from the notice and if the tree line on the south side of the parking lot will serve as adequate buffer between the parking lot and the residential neighborhood. The city received no comments from the public and Mr. Sutter described the buffer as fairly substantial but needs to be maintained.

Commissioners Sears and Richter inquired about hours of operation at Doyle's, across the street from the proposed events center. Mr. Sutter stated Doyle's operates under normal bar/restaurant hours and because of the smaller scale

of the bar/restaurant portion of the business with a larger portion of the building used for bowling alley there have not been a significant number of issues.

Commission Richter inquired if issues could arise when the events center portion of the building closes early, as proposed in the staff report, and the attendees move into the bar/restaurant portion of the building. Mr. Sutter stated if that happens and issues arise, the annual liquor licensing process has practical limitations in place.

Commissioner Kolb stated he would rather see the applicant be allowed to operate their business within the hours they requested, rather than restricting their hours.

Chair VonRueden opened the Public Hearing.

The applicant, Krystal Sedwick, addressed the commission by answering some of the issues that were raised by the commissioners:

- the Nyte Out portion of the business would include entertainment for adults, possibly jazz bands on a week night, murder mystery dinners, etc.
- the concern about doors being propped open allowing noise to spill out of the building into the adjoining neighborhood could be addressed by the presence of security officers for any group exceeding 50 and the applicants willingness to add alarms to doors on the south and east sides of the building.
- the concern of having late night events followed by early morning events i.e. church services, would be addressed with having adequate staff on hand for the late night event to clean and exit the premise by the required close time.
- late night parking lot noise would be limited as the trash and laundry collection is inside of the building.
- the applicant has already looked into adding noise absorbing fencing on the south side of the parking lot.
- the applicant said they could impose live music restrictions to lessen the noise level; D J being easier to control by simply requesting the volume be turned down.
- Ladies of leisure events might include wine tasting/pairing, social networking, food demonstrations, etc
- Kiddz Inn would not require a license, it will be for children of parents that are on-site

Commissioner Strand noted in her experience it is common for event centers to have midnight closing hours not 1 or 2 a.m. Commissioner Strand expressed she would recommend hours of operation to close at midnight for the center other than the bar/restaurant.

Commissioner Richter asked the applicant about the proposed 10 p.m. week night closing and what hours of operation would she like to see. Ms. Sedwick stated she would propose Sunday through Thursday, 11 or 11:30 closing with everyone out by Midnight and Friday and Saturday nights music stop by 1:00 and everyone out by 1:30 or 2:00 a.m.

Casey Peak addressed the commission stating the expanded hours of operation and the events center are consistent with recent discussions with the city council to increase the cultural experiences available to Crystal residents.

Julie Deshler addressed the commission and expressed her concerns about children in the Kiddz Inn being released to parents without knowledge of how much liquor parents have consumed. The applicant acknowledged this is operationally an issue that staff would be extensively trained in and understands the impact any violation would have on her liquor licenses.

Mr. Sutter reviewed the commission's recommendations regarding the conditional use permit:

With the exception of the bar/restaurant, hours Sunday – Thursday 11:30 music stops, Midnight rooms cleared, 1:00 a.m. staff off premises; Friday – Saturday 1:30 a.m. music stops, 2:00 a.m. rooms cleared; 3:00 a.m. staff off premises.

If Police Department documents problems, Council may impose tighter hours, as needed.

Push bar alarms are to be added to doors other than those located on the north side of the building.

Commissioner Johnson stated he is uncomfortable expanding the hours of operation because of the impact it may have on the residential neighbors.

Commissioner Erickson stated she was not in support of the expanded hours.

Commissioner Kolb stated the applicant should not be penalized until there are issues.

Commissioner Richter stated he would like to see this approved with the extended hours.

Mr. Sutter suggested non-transferability of the conditional use permit which would allow the commission and council to evaluate any new applicant who may wish to operate the same type business.

Hearing no further discussion, Chair VonRueden closed the Public Hearing.

Moved by Commissioner Kolb and seconded by Commissioner Buck to recommend approval of a Conditional Use Permit for an events center including on-sale liquor and outdoor food and beverage service at 4947 West Broadway (Eventure). With the suggested Findings and Conditions outlined in the staff report with the following exceptions:

With the exception of the bar/restaurant, hours Sunday – Thursday 11:30 p.m. music stops, Midnight rooms cleared, 1:00 a.m. staff off premises; Friday – Saturday 1:30 a.m. music stops, 2:00 a.m. rooms cleared; 3:00 a.m. staff off premises.

City Council has the right to review the conditional use permit hours, etc.
as guided by Police Department
Non-transferability of the conditional use permit
Push bar alarms are to be added to doors other than those located on the
north side of the building to prevent propping of doors

Motion carried 6/3
Sears, Heigel, Kolb, VonRueden, Buck and Richter voting Yea
Erickson, Johnson and Strand voting Nay

E. NEW BUSINESS

1. Discuss possible revisions to City Code Section 520 (Site & Building Plan Review). Staff suggested and the Commission agreed that a complete and simplified re-write would be the best approach.

F. GENERAL INFORMATION

1. City Council actions on previous Planning Commission items: February 19, 2013: motor vehicle repair CUP approved for 5215 Lakeland Avenue North (Rusty Phetthongdy)
2. Staff preview of likely agenda items for Monday, May 13, 2013 meeting - no applications had been received at the time of the meeting
3. Quarterly Development Status Report provided for the commissions information.
4. Finance & Commerce article featuring former Chair Paul Whitenack was provided to the commission.
5. Updated Zoning Map (11x17)

G. OPEN FORUM -

H. ADJOURNMENT

Moved by Commissioner Sears and seconded by Commissioner Erickson to adjourn.

Motion carried unanimously.

The meeting adjourned at 8:56 p.m.